

Application No.: 09/937587

Case No.: 54676US002

**REMARKS****Rejections under 35 U.S.C. 102/103**

Claims 1-3 and 5-19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Orensteen et al., U.S. Patent No. 5,508,105.

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Orensteen et al. (5,508,105) in view of Frank et al. (5,153,618). The Examiner relies on Frank with respect to the teaching of a particular polymer in the resin-based colorant/binder.

As previously explained, all of the claims presently being prosecuted (i.e. elected) recite a radiation cured coating.

The Examiner has taken the position that this terminology includes heat curing, as described in Orensteen.

The Applicant argued that "radiation cure" is explicitly defined in the specification on p. 15, lines 11-20 and that the Examiner's position is contrary to Applicant's definition.

The Examiner stated that "During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. MPEP § 2111. The part of the specification that Applicants refers to starts out "more preferred." This language does not exclusively limit the types of radiation to only those listed in Applicant's specification, because they are merely preferred types of radiations."

The Applicant reiterates that p. 15, line 11-15 states as follows:

*More preferred precursors are those that are curable using radiation. These are referred to herein as radiation curable materials. As used herein, "radiation cure" or "radiation curable" refers to curing mechanisms that involve polymerization and/or crosslinking of resin systems upon exposure to ultraviolet radiation, visible radiation, electron beam radiation, or combinations thereof, optionally with the appropriate catalyst or initiator. Typically, there are*

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*two types of radiation cure mechanisms that occur -- free radical curing and cationic curing. These usually involve one stage curing or one type of curing mechanism. Mixtures of free radical and cationic materials may also be cured to impart desired properties from both systems. Also possible are dual-cure and hybrid-cure systems, as discussed below.*

This paragraphs does **NOT** state that, "As used herein, "radiation cure" or "radiation curable" **preferably** refers to curing mechanisms that involve polymerization and/or crosslinking of resin systems upon exposure to ultraviolet radiation, visible radiation, electron beam radiation, or combinations thereof, optionally with the appropriate catalyst or initiator. Rather, this paragraph states that, "More preferred **precursors** are those that are curable using radiation." Although the present application contains other claims, such as Claims 26-31 and 34, that are not limited to radiation cured coatings, the rejected claims are directed to radiation cured coatings.

The Applicant submits that MPEP 2111.01 states that the words of a claim must be given their "plain meaning" **unless they are defined in the specification.**

Since this is surely the case, the Applicant respectfully requests withdrawal of the rejections and a timely allowance.

Respectfully submitted,

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Date

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